

1 Q. Where did he get their names?

2 A. From their driver's license.

3 Q. What were their names?

4 A. Andrew Goodman, Michael Schwerner and James Chaney

5 Q. And what did you do then?

6 A. I left the police station and went on the east  
7 side of the courthouse.

8 Q. In Philadelphia?

9 A. Right.

10 BY MR. WEIR:

11 If your Honor please, I object to his identifying these  
12 people just by driver's license.

13 BY THE COURT:

14 That wasn't his source of identification, I'll  
15 overrule your objection.

16 BY MR. OWEN:

17 Q. Now, do you know where Price was when you left  
18 the police station?

19 A. He was there.

20 Q. Did you see him again that afternoon?

21 A. I did.

22 Q. Where?

23 A. East side of the courthouse.

24 Q. Did you have any conversation with him?

25 A. I did.

- 1 Q. Where?
- 2 A. On the east side of the courthouse.
- 3 Q. And what was that conversation?
- 4 A. He wanted registration on this tag.
- 5 Q. Tag of what?
- 6 A. On this station wagon.
- 7 Q. Did he give you the tag number?
- 8 A. He did.
- 9 Q. Do you recall what it was?
- 10 A. I don't remember the tag number but its in this
- 11 radio log.
- 12 Q. Would you refer to that radio log?
- 13 BY MR. ALFORD:
- 14 May it please the Court he hasn't introduced that
- 15 radio log yet.
- 16 BY THE COURT:
- 17 I think you can refer to official records under
- 18 the shopbook rule and can refresh his recollection
- 19 and testify if he can do so.
- 20 BY MR. OWEN:
- 21 Q. What was that license number?
- 22 A. H-25503.
- 23 Q. Now what did Price ask you to do with that license
- 24 number?
- 25

- 1 A Get a registration on it?
- 2 Q Well, did you get a registration on it?
- 3 A We did.
- 4 Q And what time did you do that?
- 5 A The time shows here that it was requested at
- 6 16:34,
- 7 Q Which is what?
- 8 A That would be 16 minutes until five, and the
- 9 registration came back at 16:37.
- 10 BY THE COURT:
- 11 Do you know that without having to read it off that
- 12 record?
- 13 BY THE WITNESS:
- 14 I did not.
- 15 BY THE COURT:
- 16 Sustain the objection now.
- 17 BY MR. ALFORD:
- 18 And we move to exclude it.
- 19 BY THE COURT:
- 20 It may be disregarded by the jury.
- 21 BY MR. OWEN:
- 22 Q Were you present when the request for this
- 23 registration was made?
- 24 A I was in the patrol car.
- 25 Q You were present when it was made?

1 A. I was.

2 Q. Do you know what time it was requested?

3 A. It was between four and five o'clock.

4 Q. Now do you recall if you got the information back  
5 on this registration of this car?

6 A. We did.

7 Q. And was that communicated to Price?

8 A. He received tracking.

9 Q. How do you know he did?

10 A. Because someone said he did.

11 BY MR. HENDRICKS:

12 Object to that.

13 BY THE COURT:

14 Sustain the objection.

15 BY MR. OWEN:

16 Q. Did you hear anyone acknowledge receipt of  
17 this tracking?

18 BY MR. BUCKLEY:

19 To which I object, Your Honor.

20 BY THE COURT:

21 Sustain the objection.

22 BY MR. OWEN:

23 Your Honor, I haven't asked him what he heard,  
24 but I would like to ask if he heard anyone acknowledge  
25 receipt of this traffic.

1 BY THE COURT:

2 If anybody?

3 BY MR. OWEN:

4 I will ask him who it was.

5 BY THE COURT:

6 Well you can ask him specifically, but I think you  
7 would have to identify the person he was talking to  
8 and we would see whether or not it's competent.

9 BY MR. OWEN:

10 Q. Do you know who received this traffic?

11 A. I don't know, it either came to the police station  
12 or in his car, I don't know.

13 Q. Do you know the person receiving it?

14 A. Someone said Price was receiving traffic----

15 BY MR. BUCKLEY:

16 To which we object, Your Honor.

17 BY THE COURT:

18 You can't tell what someone told, just tell what  
19 you know.

20 BY THE WITNESS:

21 Yes sir.

22 BY MR. OWEN:

23 Q. What was the registration on this car?

24 A. Congress of Racial Equality.

25 Q. Where was Price when he made the request for

1 the registration?

2 A. He came up to our car where we were talking to  
3 Inspector King.

4 Q. And was he there when the information came back?

5 A. He was not.

6 Q. He had left the area.

7 Q. Yes.

8 Q. Where had he come from, do you recall?

9 A. Around the courthouse, I can't say where he  
10 was coming out of the courthouse or not.

11 Q. Now, do you recall what you did, I'll withdraw  
12 that. When Price saw you at the car on the east  
13 side of the courthouse, did he indicate to you  
14 anything about why these boys were arrested?

15 A. He was talking about the church burning out there.

16 Q. What did he say?

17 A. He was going to hold them for investigation.

18 BY MR. BUCKLEY:

19 Your Honor if it please the Court, we object to  
20 that for the same objection that was made a while  
21 ago as to the other defendants.

22 BY THE COURT:

23 That's direct, Members of the Jury, until the  
24 government proves some conspiracy here, and it  
25 hasn't proven any conspiracy here at this time you

1 hold only the statement made by Mr. Price against  
2 Mr. Price and none of these other defendants,  
3 unless and until the government has proven  
4 the conspiracy and that will be the order.

5 BY MR. OWEN:

6 Q. Now did he tell you how long he might hold them?

7 A. He did not.

8 Q. Now, did you see Price again that day?

9 A. I don't remember.

10 Q. What did you do the rest of that day?

11 A. Just normal patrolling in Neshoba County.

12 Q. What are the radio call numbers of the Sheriff's  
13 cars there in Neshoba County?

14 A. 648.

15 Q. Whose car is that?

16 A. The Sheriff's car.

17 Q. What kind of car is that, do you recall?

18 A. Its an Oldsmobile.

19 Q. Can you describe it?

20 A. I would just say grey oldsmobile.

21 Q. Did it have anything on it?

22 A. It did, it had signs on it.

23 Q. Did it have anything else

24 A. They had the light on top.

25 Q. Now, do you know Sheriff Rainey?

- 1 A. I do.
- 2 Q. Can you point him out here in the courtroom?
- 3 A. Third one from the left.
- 4 Q. You are indicating the third man from the left.
- 5 What was Price's number?
- 6 A. Fifty.
- 7 Q. Did you hear any radio traffic while you were
- 8 patrolling that night or that day? From 648?
- 9 A. I did.
- 10 Q. Do you recall about when that was?
- 11 A. I can.
- 12 Q. Had you gone to dinner or was it before dinner?
- 13 A. I can't say where it was before or after.
- 14 Q. What was that traffic?

15 BY MR. BUCKLEY:

16 Your Honor if it please the Court we object until  
17 it is shown first who it was-----

18 BY THE COURT:

19 Counsel, I can't hear you very distinctly. I wish  
20 when you make your objections you would come to some  
21 microphone, because I don't know where the jury  
22 can understand you any better than I can or not.

23 Now make your objection again.

24 BY MR. BUCKLEY:

25 Your Honor, if it please the Court, I interpose an



1 objection with regard to the radio traffic which  
2 has not been connected in this case nor shown here  
3 who made the traffic, he hasn't been into the  
4 detail as to what the radio traffic was.

5 BY THE COURT:

6 Well I'll overrule the objection, go along.

7 BY MR. OWEN:

8 Q. What was that radio traffic?

9 A. It was something about disturbance out on 488,  
10 out west of town.

11 Q. Who was calling whom?

12 A. I don't know where the police department was  
13 calling or if it was traffic between them or  
14 between Price.

15 Q. Now, what time do you ordinarily get off duty,  
16 if you get off at the time you are supposed to?

17 A. Back that time we were getting off at 10:00 o'clock  
18 if something didn't come up.

19 Q. Now, did you get off at 10:00 o'clock that day?

20 A. I did not.

21 Q. Did you do any patrolling after 10:00 o'clock?

22 A. After 10:00 o'clock?

23 Q. Yes.

24 A. We did.

25 Q. What did you do after 10:00 o'clock?

1 A. We went south on 19.

2 Q. How far south did you go?

3 A. We went to Pilgrim's store about a mile out of  
4 Philadelphia.

5 Q. Do you recognize that picture?

6 A. It looks like Pilgrim's store.

7 Q. Is that a, which way is the road running in that  
8 picture?

9 A. North and South.

10 BY MR. ALFORD:

11 Your Honor, please, may we examine the picture before  
12 he goes into detail about it, and we object to his  
13 asking any questions about it until its introduced.

14 BY THE COURT:

15 Go along and authenticate them Counsel before you start  
16 talking about them.

17 BY MR. OWEN:

18 Q. Is that a fair and accurate representation of  
19 the road between Pilgrim's Store and Philidelphis?

20 A. It looks to be.

21 Q. We would like to mark it and introduce it into  
22 evidence.

23 BY THE COURT:

24 Do you object to it?

25 BY MR. ALFORD:

1 I would like to see it first and see what it is.  
2 We would object to this as being a fair and accurate  
3 representation of the road between Pilgrims Store  
4 and Philadelphia because part of it isn't even here.  
5 Until we know who made it we object to it.

6 BY THE COURT:

7 Did you make that picture?

8 BY THE WITNESS:

9 No sir.

10 BY THE COURT:

11 Who made it?

12 BY THE WITNESS:

13 I don't know.

14 BY THE COURT:

15 When is the first time that you've seen it?

16 BY THE WITNESS:

17 I saw one like it I don't know where this is the first  
18 time I've seen that one or not.

19 BY THE COURT:

20 At what time would you say that picture accurately  
21 portrays the subject matter of the picture, now or  
22 at sometimes in the past?

23 BY THE WITNESS:

24 Well, it just looks like the location.

25 BY THE COURT:

1 Does that look like the area of the subject matter  
2 of that picture?

3 BY THE WITNESS:

4 Well to me it looks like it, I'm familiar with  
5 the area.

6 BY THE COURT:

7 What is the area, what would you call the area?

8 BY THE WITNESS:

9 Its about a mile south of Philadelphia on Highway  
10 19 Pilgrim's Store and Service Station and this  
11 curve in the road gives a warning sign.

12 BY THE COURT:

13 You recognize that?

14 BY THE WITNESS:

15 Yes sir.

16 BY THE COURT:

17 How far is that from Philadelphia?

18 BY THE WITNESS:

19 It's about a mile south.

20 BY THE COURT:

21 I'll overrule your objection and let it be  
22 entered and be marked.

23 (Whereupon exhibit entered into evidence and marked)

24 BY MR. OWEN:

25 Q Now, you went south to Pilgrim's store, is that

1 correct?

2 A. We did.

3 Q. Now, what did you do?

4 A. Turned around.

5 Q. Now, while you were there did you see any of  
6 these defendants in the courtroom?

7 A. I see one that looks like one.

8 BY MR. ALFORD:

9 Your Honor please, we object to what he said, one  
10 that looks like him.

11 BY THE COURT:

12 Yes I would think that you would have to make more  
13 specific identification than that, I'll sustain the  
14 objection.

15 BY MR. OWEN:

16 Q. Describe where you saw this man.

17 A. Pilgrim's Store.

18 Q. Now, was he riding or walking?

19 A. He was riding.

20 Q. What was he riding in?

21 A. A red 1958 Chevrolet car.

22 Q. Was he by himself?

23 A. I'd say not.

24 BY MR. ALFORD:

25 We object to what he says.

1 BY THE COURT:

2 I<sup>th</sup>ll overrule the objection.

3 BY MR. OWEN:

4 Q. What did this man do?

5 A. He----

6 BY MR. BUCKLEY:

7 Your Honor if it please the Court, I object, he  
8 has said it looked like one and now he asks him  
9 about this man. I think he should ask questions about  
10 specific individuals.

11 BY THE COURT:

12 Do you know all of these defendants in this case?

13 BY THE WITNESS:

14 I know part of them.

15 BY THE COURT:

16 Do you know the name of the person you believe to be  
17 the same person that you saw on this occasion?

18 BY THE WITNESS:

19 I do.

20 BY THE COURT:

21 Go along and ask him about that. I'm<sup>not</sup>going to try  
22 this case for any lawyers, so go along.

23 BY MR. OWEN:

24 Q. Now, the man you thought you saw and thought  
25 you recognize----

1 BYMR. PIGFORD:

2 We object to what he thought, Your Honor.

3 BY THE COURT:

4 Well its not against the law for anybody to think  
5 in the course of the trial of the case but you need  
6 to be a little more careful in phrasing your answers  
7 and be rather certain when you are testifying under  
8 oath that you are testifying to your knowledge and not  
9 just what you believe, so with that in mind, let's  
10 go along.

11 BY MR. OWEN:

12 Q. Do you know the name of any person that you saw at  
13 Pilgrim's Store that night?

14 A. Do I know their name?

15 Q. Right.

16 A. Not at that time.

17 Q. Now, who was driving the car?

18 BY MR. WEIR:

19 We object unless he knows, Your Honor.

20 BY THE COURT:

21 He understands that, I've told him and he's testifying  
22 of his own knowledge and we don't want to hear any  
23 thing except of your own knowledge, are you hearing  
24 what I'm saying or are you listening to yourself, go  
25 along?

1 BY MR. OWEN:

2 Q. Now, what did that man do?

3 A. He got out of the car, came back to our car.

4 Q. And did he speak with you?

5 A. He spoke with Wiggs. Patrolman Wiggs.

6 BY MR. BUCKLEY:

7 Your Honor, if it please the Court, I object to  
8 the testimony what this individual does until it  
9 is shown who this man was in fact.

10 BY THE COURT:

11 Yes, I think we had better establish the identity  
12 before you start telling us what he was doing.

13 BY MR. OWEN:

14 Q. Did you later learn the name of this man?

15 A. I did.

16 Q. And did you see him later?

17 A. I did.

18 Q. And are you sure that's the man that you saw  
19 there that night?

20 A. I can't say for sure, I said it looked like him.

21 BY MR. ALFORD:

22 Your Honor please, we object to what it looked like  
23 him, if he's not sure.

24 BY THE COURT:

25 Well, I'll let him testify about what his best judg-



1                   ment is as to the identity of this person. You  
2                   don't have to be absolutely sure about anything  
3                   even in a criminal case. Go along.

4 BY MR. OWEN:

5                   Q. Would you look around this courtroom and point  
6                   out that man you are talking about?

7                   A. The second from the end, Billy Wayne Posey.

8                   Q. You are referring to the second man from the end,  
9                   would you point to him?

10                  A. The second man.

11                  Q. Now, had you ever seen his car before?

12                  A. I had.

13                  Q. Under what circumstances?

14                  A. The car was a fast car and I've had reports on  
15                  him before.

16 BY MR. WEIR:

17                   We object if it please the Court.

18 BY THE COURT:

19                   Overruled.

20 BY MR. OWEN:

21                  Q. Go ahead. Had you seen the car before?

22                  A. I had.

23                  Q. Did you ever chase it?

24                  A. I had, or one that looked like it.

25 BY MR. BUCKLEY:

1 We object to him saying it looked like it.

2 BY THE COURT:

3 Yes, we are not interested in something else that  
4 looked like it.

5 BY MR. BUCKLEY:

6 And we respectfully request the Court to tell the  
7 Jury to exclude it.

8 BY THE COURT:

9 Yes, I'll exclude it.

10 BY MR. OWEN:

11 Q. What did this man say you have identified here  
12 at Pilgrim's Store that night?

13 A. Where is Price?

14 BY THE COURT:

15 Said what?

16 BY THE WITNESS:

17 Where is Price.

18 BY MR. OWEN:

19 Q. Did you answer him?

20 A. I did not.

21 Q. Who answered him?

22 A. Patrolman Wiggs.

23 BY MR. WATKINS:

24 May it please the Court, may we have a continuing  
25 objection as to what one particular person may have

1           said as against these defendants?

2 BY THE COURT:

3           Well I haven't admitted all of that testimony know-  
4           ingly, so I'm going to let him answer as to this and  
5           I'll overrule your objection.

6 BY MR. OWEN:

7           Q.   What did he tell him?

8           A.   I don't know.

9           Q.   You didn't hear the conversation between Wiggs  
10           and this man?

11          A.   He said, "I don't know."

12          Q.   Oh, he said I don't know. About what time was this

13          A.   Between 10:00 and 10:30.

14          Q.   Do you recall any radio traffic that you might  
15           have had with your Highway Patrol Station at  
16           that time?

17          A.   Yess sir. They called shortly after that.

18 BY MR. BUCKLEY:

19           Your Honor if it please the Court, I object to any  
20           communication between this witness and the Highway  
21           Patrol Station, it would be hearsay.

22 BY THE COURT:

23           Well, it might be hearsay under some circumstances  
24           and the subject matter of the conversation might not  
25           be hearsay, I wouldn't know so I'll overrule your

1 objection.

2 BY MR. OWEN:

3 Q You got a call?

4 A I did.

5 Q Do you recall when that was?

6 A It was between ten and ten thirty.

7 Q Is that call ordinarily recorded at the Highway  
8 Patrol?

9 A It is.

10 Q And have you looked at the official records of  
11 the highway patrol, can you identify that call  
12 on the records?

13 A I can.

14 Q Now what time was that call?

15 BY MR. ALFORD:

16 We would like to interpose an objection if Your  
17 Honor please. He's asking this witness to testify  
18 from records that have not been introduced, what  
19 he testifies on his independent knowledge is one  
20 thing and what he testifies from something that  
21 hasn't been introduced is something else.th

22 BY MR. HAUBERG:

23 He has testified and if the Court please I think he  
24 has a right to refresh his memory on it.

25 BY THE COURT:

1 I think he has too, I agree with Counsel's  
2 reasoning but I don't agree with his application  
3 of the principal so I'll overrule your objection  
4 at this point.

5 BY MR. ALFORD:

6 He asked him from the book.

7 BY THE COURT:

8 He asked him if he knew and I'll let him answer as  
9 to that and if he needs to refresh his recollection  
10 by examining the book and can testify from his own  
11 knowledge after having refreshed his recollection  
12 and without relying solely and completely on the  
13 record for the information I'll let him do so.

14 BY MR. OWEN:

15 Q. Can you say from your own knowledge, what time  
16 this radio traffic was?

17 A. About 10:25.

18 Q. Now where were you at the time of this radio  
19 traffic if you recall?

20 A. Pilgrim's Store, just leaving going back north.

21 Q. Have you had any conversation with any of these  
22 defendants with respect to whether or not they  
23 saw you out there that night?

24 A. We've talked, they live at Philadelphia and  
25 around.

1 Q Which defendants have you had a conversation with?

2 A Well, several of them.

3 Q Do you know Richard Willis?

4 A I do.

5 Q Would you point him out for the Court.

6 A He's number five from the left.

7 Q Now, did he ever indicate to you whether or not  
8 he saw you that night on 19?

9 A Yes.

10 Q When was that?

11 BY MR. WATKINS:

12 Now Your Honor we object as to Herndon, Arledge,  
13 Horace Barnett, Snowden and Roberts in that they have  
14 not shown to be present and there has been no showing  
15 of conspiracy at this point.

16 BY MR. PIGFORD:

17 We join in that, Your Honor for Akins.

18 BY THE COURT:

19 Well I don't know that seeing somebody out there is  
20 so heinous, I'm going to let him answer, I don't see  
21 that proves or disproves a conspiracy. Go along.

22 BY MR. OWEN:

23 Q What did he say?

24 A He's a policeman up there and we might meet in  
25 the road two or three times a night or more.

- 1 Q. What did he say?
- 2 A. Well he said he saw us. After we got the call
- 3 he heard the call, so he said, on his radio.
- 4 Q. Where did he indicate that he was?
- 5 A. He was around the hospital and H & H Cafe, in
- 6 that vicinity.
- 7 Q. And where is that located?
- 8 A. Its just south of Philadelphia on Highway 19.
- 9 Q. And about how far from Pilgrim's Store?
- 10 A. Its about three quarters of a mile.
- 11 Q. When you were at Main and Beacon Street, did Price
- 12 give any of these people he arrested a ticket?
- 13 A. I didn't see one.
- 14 Q. And did you accompany him to the jail?
- 15 A. I did.
- 16 Q. Did you accompany him into the jail?
- 17 A. Into the hall.
- 18 Q. Did you see the jailer there?
- 19 A. I did.
- 20 Q. And during the time you were there with him did
- 21 you see him give or write a ticket?
- 22 A. I did not.
- 23 Q. You are seated there and if you will look up at
- 24 exhibit 9, where were you parked that afternoon?
- 25 A. Right where it says Ocoba right between those

1 right between those two roads there to the west.

2 Q You are pointing, Your Honor, may he place a  
3 marker where he was?

4 BY THE COURT:

5 Yes sir. Ask him your question and then he can go  
6 there and place his marker. Ask him for the record.

7 BY MR. OWEN:

8 Q Would you point out on exhibit 9 where you were  
9 marked at Philadelphia on Highway 19 on the after-  
10 noon of June 21st, 1964?

11 A I can. About where I was.

12 BY THE COURT:

13 Do you understand that map that is marked exhibit 9?

14 BY MR. POE:

15 I do.

16 BY MR. OWEN:

17 Q If you would indicate someplace on that map with  
18 a marker something to indicate highway patrol car.  
19 For the record---

20 BY THE COURT:

21 For the record let him state where he put that marker.

22 BY THE WITNESS:

23 A Its approximately four miles east of Philadelphia  
24 four to four and one half mile.

25 BY THE COURT:



1 I notice you put it on the north side of that highway  
2 is that right?

3 BY THE WITNESS:

4 Well, yes, but we were parked, the highway runs  
5 east and west there and we were parked on the south  
6 side.

7 BY THE COURT:

8 You put the marker on the north side, do you want to  
9 put it where you were parked?

10 BY THE WITNESS:

11 I thought he meant the location.

12 (Witness changes marker)

13 BY MR. OWEN:

14 Q. What is the road just east of that marker?

15 A. That's the American Legion Lake Road.

16 Q. About how far is that from where you were parked?

17 A. About a half mile.

18 Q. I believe that's all.

19 BY THE COURT:

20 All right, any cross examination?

21 CROSS EXAMINATION

22 BY MR. WATKINS:

23 Q. Mr. Poe, did <sup>1</sup> understand your testimony that  
24 part of the time you were in the presence of Mr.  
25 Cecil Price at the time he was in the presence of

1                   those persons you have named?

2                   A.    Right.

3                   Q.    Tell the Court and Jury whether at any time you  
4                   were in their presence that you saw Mr. Price or  
5                   any other person in your presence threaten,  
6                   intimidate or make or mistreat in any way those  
7                   three persons that you named?

8                   A.    I did not.

9                   Q.    Tell the Court and Jury whether or not Mr. Billy  
10                   Wayne Posey to whom you referred is a resident  
11                   citizen of Lauderdale County, Mississippi, excuse  
12                   me, of Neshoba County, Mississippi?

13                   A.    He is.

14                   Q.    Was anything unusual about you seeing him in that  
15                   county that day?

16                   A.    It was not.

17                   Q.    Was it anything unusual for Mr. Willis another  
18                   office of the law inquiring about the whereabouts  
19                   or welfare of some other officer that day?

20                   A.    It was not.

21                   Q.    You are not telling this jury anyway are you that  
22                   the parties named did not commit some misdemeanor  
23                   in the presence of Mr. Price?

24                   A.    I didn't see a ticket.

25                   Q.    But you are not telling the jury that they might

1 not have committed an offense in his presence  
2 out of your presence?

3 A. Right.

4 Q. Thank you.

5 FURTHER CROSS EXAMINATION

6 BY MR. ALFORD:

7 Q. Mr. Poe, how long have you been a member of the  
8 Mississippi Highway Patrol?

9 A. It will be ten years the first day of November,  
10 of '67.

11 Q. And you have been located in Philadelphia practi-  
12 cally all that time?

13 A. All of it.

14 Q. Now sir, on the 21st day of June, 1964, you  
15 testified here on direct examination, you were  
16 out there about 4 1/2 miles from Philadelphia  
17 observing traffic were you not?

18 A. Right.

19 Q. That was part of your routine duty to see this  
20 done?

21 A. It is.

22 Q. And Mr. Price had passed you going east?

23 A. Right.

24 Q. And if he passed you going toward the east isn't  
25 that also in the general direction in addition

- 1 to going toward highway 16 and the crossroads, isn't that  
2 the direction that a person would have to go to  
3 go to the American Legion Lake?
- 4 A. It would be.
- 5 Q. Is not the road from Philadelphia out to the  
6 American Legion Lake a heavily travelled road  
7 on Sunday afternoon?
- 8 A. It is.
- 9 Q. Especially on a father's day Sunday afternoon?
- 10 A. It would.
- 11 Q. Is not part of the responsibility as you know  
12 of the Sheriff or a peace officer Deputy Sheriff  
13 to patrol roads off the State Highway?
- 14 A. That's their job.
- 15 Q. And including State Highway too?
- 16 A. Right.
- 17 Q. And they do have jurisdiction on a State Highway  
18 for violation of traffic?
- 19 A. Yes sir.
- 20 Q. Now, about what time did you say you heard the  
21 radio call from Mr. Price to your unit there?
- 22 A. Somewhere after 3:00 o'clock.
- 23 Q. And that was when he said he had a good one, is  
24 that right?
- 25 A. Yes sir.

- 1 Q. Isn't that a common expression by highway patrol  
2 and other persons observing traffic to use?
- 3 A. Sometimes.
- 4 Q. What does that signify to you highway patrolman  
5 and people who regulate the traffic laws?
- 6 A. Well it could mean several different things.
- 7 Q. Isn't it that someone is going down the highway  
8 at a high rate of speed?
- 9 A. High rate of speed, drunk driver or something of  
10 that nature.
- 11 Q. But most of the time its somebody going past  
12 the speed limit?
- 13 A. Yes sir.
- 14 Q. And that's what you took it to be that day wasn't  
15 it?
- 16 A. That's right.
- 17 Q. Then shortly after that you saw this vehicle  
18 as you described as a blue station wagon come  
19 over this hill and shut off didn't you?
- 20 A. Right.
- 21 Q. And then shortly behind it you saw Mr. Price  
22 coming?
- 23 A. I did.
- 24 Q. Did you notice that he had any equipment on his  
25 car, extra equipment on his police car?

- 1 A. As far as I know he didn't.
- 2 Q. He didn't have a light on top of his car?
- 3 A. Not that I remember.
- 4 Q. Later on, what did you receive from Mr. Price?
- 5 A. He called us to come up and assist him.
- 6 Q. Now, when he called for you to come up and assist  
7 him did you come?
- 8 A. Yes sir.
- 9 Q. And when you got there you found this blue station  
10 wagon?
- 11 A. Right.
- 12 Q. And you found also that there were three people  
13 with Mr. Price?
- 14 A. Right.
- 15 Q. And what was the condition of the car?
- 16 A. They had a flat.
- 17 Q. Where did they have this flat?
- 18 A. Right at the intersection of Beacon and Main  
19 Street.
- 20 Q. Is that any built up area, residential area?
- 21 A. Yes, its residential.
- 22 Q. Prominent part of town isn't it Mr. Poe.
- 23 A. The houses are thick.
- 24 Q. Thickly settled.
- 25 Q. Was there any motion of manifestation of any

1 difficulty there?

2 A. I didn't see anything out of the way except a  
3 lot of traffic.

4 Q. Lot of traffic passing. And who was changing a  
5 tire or what were they doing?

6 A. These three people were changing it.

7 Q. Was one of them holding the brake and the other  
8 two changing it or anything like that?

9 A. Yes, it fell off the jack one time.

10 Q. Well, what did they do then?

11 A. One of them held the brake while they got it  
12 jacked up that time.

13 Q. One of them held the brake. Who held the brake/

14 A. I don't remember.

15 Q. You don't remember which one did. Uh, was there  
16 any abusive language used there against anybody  
17 there that you heard?

18 A. It was not.

19 Q. Was it a peaceful situation there?

20 A. Just like any other arrest.

21 Q. And did Mr. Price tell you that he had Mr. Chaney  
22 there for speeding?

23 A. He did.

24 Q. And was he the one that requested you and Mr.  
25 Wiggs in carrying them to the Neshoba County Jail?

- 1 A. Right.
- 2 Q. And I believe you testified that two of them  
3 rode with you?
- 4 A. The two white men.
- 5 Q. And one rode with Mr. Wiggs in the station wagon?
- 6 A. Right.
- 7 Q. Mr. Wiggs was your partner?
- 8 A. Right.
- 9 Q. And when you got there they were placed in jail  
10 were they not?
- 11 A. They were.
- 12 Q. Do they or not have a jail docket there to make  
13 an entry of what they are charged with whenever  
14 they are placed in jail?
- 15 A. They do.
- 16 Q. Was or not these people booked in the jail in  
17 your presence?
- 18 A. Not in my presence.
- 19 Q. Not in your presence. Did you see the tickets  
20 there charging Chaney with speeding?
- 21 A. I did not. I turned around and left when they  
22 were going down the hall.
- 23 Q. But that is normal to make out a ticket, uh, Mr.  
24 Marshal, will you hand me exhibit of the ticket  
25 book there.



1 BY THE COURT:

2 Is it customary when a person is arrested for speeding  
3 that you arrest the other occupants of the car too?

4 BY THE WITNESS:

5 No everytime, as far as speeding, no sir.

6 BY MR. ALFORD:

7 Q Sir, I hand you exhibit 3 to the testimony of Mrs.  
8 Frank Chisolm and ask you if you recognize that  
9 form of ticket there?

10 A I do, its one of the Sheriff's department and the  
11 Constables all use.

12 Q Is that not one used other than by the Mississippi  
13 Highway Patrol that is set out or specified  
14 by the State Department of Audit to make arrests  
15 or other violation?

16 A It is.

17 Q And you are familiar with that form are you not?

18 A I am.

19 Q Sir, I would like for you to look at exhibit numbe  
20 PQ13 to thes testimony of Mrs. Frank Chisolm  
21 and I ask you sir if that's not a standard arrest  
22 ticket there?

23 A It is.

24 Q And I ask you sir if that ticket does not pertain  
25 to James Chaney?

- 1 A. It is.
- 2 Q. And what is the charge there?
- 3 A. Speeding.
- 4 Q. And what is the date on there sir?
- 5 A. 6-21-64.
- 6 Q. That would be the 21st day of June, 1964, is that
- 7 correct sir?
- 8 A. Yes.
- 9 Q. Now Mr. Poe, after you had assisted Mr. Price,
- 10 you and Mr. Wiggs in making the arrest of Mr.
- 11 Chaney, Mr. Schwerner and Mr. Goodman, did you
- 12 recognize who these people were at that time?
- 13 A. I did not/
- 14 Q. You just knew they were two whites and a negro
- 15 is that correct?
- 16 A. It is.
- 17 Q. And you and Mr. Wiggs left the vicinity of the
- 18 jail and went to the vicinity of the court square?
- 19 A. We went to the police station first and then over
- 20 to the east side of the courthouse.
- 21 Q. Now, when you went to the police station what
- 22 disposition was made of this station wagon?
- 23 A. It was parked in the parking lot at the police
- 24 station.
- 25 Q. Was that a parking lot that is normally served

1 for cars of occupants or drivers incarcerated  
2 in the jail?

3 A. It is on the weekends.

4 Q. On the weekends, and that parking lot is it or  
5 not big enough to hold several automobiles?

6 A. It is.

7 Q. And is that not a routine operation of people in  
8 that vicinity as I said drivers who had been in  
9 jail over the weekends?

10 A. It is.

11 Q. Now, as you proceeded to the city hall, was or not  
12 that station wagon placed in that parking lot?

13 A. It was.

14 Q. Who placed it in there?

15 A. I don't know where Patrolman Wiggs did, he drove  
16 it up there, he did as far as I know.

17 Q. And then whenever he had left the station wagon  
18 down there in that parking lot there bysides the  
19 City Hall, where did you and he go?

20 A. We went to the east side of the courthouse and  
21 talked to Inspector King.

22 Q. Then later on you heard some traffic somewhere  
23 over in the evening around 6:00 o'clock P. M.  
24 in regard to this disturbance out on 488, is  
25 that correct, is that what you testified to?

- 1 A. Yes sir, it is.
- 2 Q. Did you know the nature of that disturbance?
- 3 A. It was disturbance out on the Kilpatrick place,  
4 that's all I know.
- 5 Q. And they were calaling for the assistance of the  
6 Sheriff or the Sheriff's Deputy, is that correct?
- 7 A. It was.
- 8 Q. And as far as you know somebody responded to it?
- 9 A. As far as I know somebody did, I don't know who.
- 10 Q. Now, I would like to ask you sir, was anything,  
11 did you see anything out of the way there at  
12 Philadelphia there that afternoon, unusual  
13 traffic flowing or anything?
- 14 A. I did not.
- 15 Q. Uh, and you and Mr. Wiggs continued to patrol  
16 as you normally do in the course of business that  
17 afternoon?
- 18 A. Right.
- 19 Q. Now, I believe you testified that you saw Mr.  
20 Price place all three of these people in the jail,  
21 is that right?
- 22 A. He went down the hall with him, or them, we  
23 left.
- 24 Q. And did nr not he tell you he had one of them  
25 for speeding and the other two for investigation

- 1 on a certain matter?
- 2 A. He did later on there at the car when we were
- 3 talking to Inspector King.
- 4 Q. And what was that investigation for?
- 5 A. Church burning.
- 6 Q. Had or not a church been burned in that vicinity?
- 7 A. I didn't know anything about it.
- 8 Q. Then he was the one that told you he was investi-
- 9 gating a church burning?
- 10 A. Right.
- 11 Q. Is that or not customary for anyone where there
- 12 has been arson committed to take people and arrest
- 13 them for investigation of felonies.
- 14 A. That's his job.
- 15 Q. That's his responsibility and you are familiar
- 16 enough with peace officers to know this do you
- 17 not?
- 18 A. Right.
- 19 Q. Now sir, later on in the afternoon on toward
- 20 night, did you all make other roads other than
- 21 there in town?
- 22 A. Yes sir, we patrolled the whole county.
- 23 Q. The whole county. Then you say you normally go
- 24 off duty at 10:00 o'clock?
- 25 A. Right.

- 1 Q. Or shortly thereafter, and until you go off duty  
2 isn't it customary for the highway patrol to sat  
3 up there at either east of town, west of town,  
4 south of town or north of town?
- 5 A. Yes sir, we sit at all places.
- 6 Q. And has or not there been a lot of traffic vio-  
7 lations in the nature of drag racing or unusual  
8 speeding in two or three locations in Neshoba  
9 County on Sunday nights?
- 10 A. It has.
- 11 Q. Was or not one of those locations out east of  
12 town on highway 16?
- 13 A. East and south.
- 14 Q. East and south on highway 19.
- 15 Q. Tell the Court and Jury whether or not there is  
16 a drive-inn cafe between Pilgrim's Store and  
17 the City of Philadelphia which is quite popular  
18 for younger people to congregate in the nighttime?
- 19 A. It is.
- 20 Q. And does not that create quite a bit of congestion  
21 and traffic hazards in that area?
- 22 A. It does.
- 23 Q. And does not this congestion contribute to the  
24 danger to the use of highway 19 in the vicinity  
25 of Pilgrim's Store?

- 1 A. It does.
- 2 Q. And is or not that a place where you and Mr. Wiggs  
3 the other highway patrolman try to prevent  
4 traffic violation and in turn loss of lives and  
5 injuries on highways in that area?
- 6 A. It is.
- 7 Q. In other words, there is nothing unusual about  
8 you being there that night at 10:00 o'clock or  
9 shortly thereafter on June 21st, 1964?
- 10 A. Pilgrim's Store?
- 11 Q. Yes sir.
- 12 A. We sit there a lot.
- 13 Q. That's routine with you, is it not?
- 14 A. Yes sir.
- 15 Q. Now sir on this occasion when someone stopped  
16 and asked you where was Price did you, or was  
17 that an unusual request of you, has that been  
18 made of you about other peace officers?
- 19 A. Lots of times.
- 20 Q. And there was nothing unusual about that?
- 21 A. I didn't that night.
- 22 Q. Did you see any unusual activity on that road  
23 at that time?
- 24 A. I did not. Traffic was just heavy.
- 25 Q. Traffic was heavy, people were traveling on that

1 road that night. Now I believe you testified  
2 that you received from your control station  
3 which is located where, Mr. Poe?

4 A. Meridian.

5 Q. Is that your district headquarters of the highway  
6 patrol?

7 A. Yes sir.

8 Q. And from there sir, where were you directed to  
9 go?

10 A. Go to the county line on 15 north.

11 Q. And that is to the north of Philadelphia isn't  
12 it. Is that near a community called Stillo?

13 A. It is.

14 Q. And did you go?

15 A. I did.

16 Q. And would you tell this court and jury whether  
17 or not you saw anything unusual out in that  
18 area at the time you were staying there at  
19 Pilgrim's store or when you left to go north?

20 A. I didn't see anything out of the way.

21 Q. If the Court will indulge me just a moment.  
22 If it please the Court, Mr. Weir has a series  
23 of about six questions he would like to ask.

24 BY THE COURT:

25 All right.



FURTHER CROSS EXAMINATION

1  
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BY MR. WEIR:

Q. Mr. Poe, the color of the hair of all three of these parties was black wasn't it?

A. I don't remember.

Q. You never noticed.

A. I didn't pay that much attention to them.

Q. You can not positively swear on your oath that you saw Billy Wayne Posey on the night of June the 21, 1967.

A. I didn't, what year and what date?

Q. On June 21, 1967 you can't vouch

BY ASSOCIATE COUNSEL:

1964.

BY MR. WEIR:

Q. Excuse me, 1964.

BY THE COURT:

Ask your question over Counsel, let's get straight here for once, take your time.

BY MR. WEIR:

All right Your Honor, I'm sorry, forgive me, Your Honor.

BY THE COURT:

Go along.

BY MR. WEIR:

1 Q. You can not now positively swear under your oath  
2 that on June 21, 1964 you saw Billy Wayne Posey?

3 A. I didn't know him that night.

4 Q. Well, you can't positively swear now that you saw  
5 him at that time, as far as being certain can you?

6 A. As far as being certain, no, but I say it was.

7 Q. What?

8 A. In my opinion, yes.

9 Q. But you are not swearing to a actual fact that it  
10 was are you?

11 BY THE COURT:

12 Everything he's saying he's swearing to, Counsel.

13 BY MR. WEIR:

14 All right then, if Your Honor please, I 'll state  
15 it this way.

16 Q. Are you positive it was?

17 A. I say he looks like the man I saw down there that  
18 night.

19 BY MR. HAUBERG:

20 If the Court please I think he has a right to give  
21 his best recollection.

22 BY THE COURT:

23 I think that's correct, and he's right to state who  
24 in his best judgment that person was at this time and  
25 if he didn't know at that time and he has since found

1 out his identity of that person, he has the  
2 right to state his knowledge of the identity of  
3 that person. All right.

4 BY MR. WEIR:

5 May I ask him then, Your Honor, if you are just  
6 testifying to opinion and judgment and not what you  
7 just actually know, is that correct?

8 A Ask that again.

9 Q You can't actually identify that person that you  
10 saw on June 21, 1964 as being Billy Wayne Posey.

11 A That's who I have found out to be.

12 BY MR. HAUBERG:

13 We object.

14 BY THE COURT:

15 He's answered the question.

16 BY MR. WEIR:

17 Q Now, you say you had chased this vehicle involved  
18 before, the red vehicle?

19 A One that looked like it.

20 Q Who was driving the vehicle when you checked it  
21 before?

22 A Jerry Sharpe.

23 Q You never chased Billy Wayne Posey?

24 A Not as I know of.

25 Q Well, you've never chased Billy Wayne Posey at

1 all have you?

2 A. Not that I know of.

3 Q. You never did stop the vehicle?

4 A. I did not.

5 Q. At the time you saw Mr. Willis he was in the  
6 City limits wasn't it?

7 A. Right.

8 Q. And that was his place to be wasn't it?

9 A. Right.

10 Q. Did Inspector King, your Superior to you, have  
11 any reward money to offer in this case?

12 BY MR. HAUBERG:

13 We object to that if the Court please.

14 BY THE WITNESS:

15 A. Not that I know of.

16 BY THE COURT:

17 Witness when Counsel asks you a question and Counsel  
18 objects, you wait until the Court rules on the objectio

19 BY THE WITNESS:

20 Yes sir, I'm sorry.

21 BY MR. WEIR:

22 Q. Did anyone have any reward money in your presence  
23 or your knowledge?

24 A. Not that I know of.

25 Q. It never was mentioned in your presence at any

1 time?

2 A. As far as the money, no.

3 Q. Would the Court indulge me just a moment? UH,  
4 if the Court please, that's all.

5 BY MR. MCINTIRE:

6 Your Honor, I would like to ask him some questions.

7 BY THE COURT:

8 All right.

9 BY MR. McINTIRE:

10 Q. Mr. Poe, on the date of June 21, 1964 did you  
11 ever have an occasion to see Sheriff Lawrence  
12 Andrew Rainey?

13 A. I did not.

14 Q. Thank you.

15 REDIRECT EXAMINATION

16 BY MR. OWEN:

17 Q. When you were presence with Mr. Schwerner, Goodman  
18 and Chaney, did they give you or Mr. Price any  
19 trouble?

20 A. They didn't me.

21 Q. And did they to Mr. Price as far as you know?

22 A. As far as I know they didn't.

23 Q. Now, uh, uh, do you see Jerry Sharpe in this  
24 courtroom?

25 A. I do.

- 1 Q. Could you point him out?
- 2 A. He's number seven from the left.
- 3 Q. Number seven from the left.
- 4 Q. Well there he is.
- 5 Q. What kind of hair does he have? How is it cut?
- 6 A. Its cut short, dark.
- 7 Q. He's next to somebody wearing what kind of
- 8 clothes?
- 9 A. Which one are you talking about?
- 10 Q. Either side.
- 11 A. Well, he's next to Olen Burrage.
- 12 Q. Whose on the other side?
- 13 A. I don't know him.
- 14 Q. What kind of clothes does he have on?
- 15 A. He has on a sweater and a white shirt.
- 16 Q. What color seater?
- 17 A. Grey, I would say.
- 18 Q. Now, you say you chased Jerry Sharpe in this car?
- 19 A. He had the car at the time, I can't say Jerry
- 20 was driving.
- 21 Q. Now in 1964 do you know where Billy Wayne Posey
- 22 worked?
- 23 BY MR. ALFORD:
- 24 If the Court please that's not proper redirect.
- 25 BY THE COURT:

1           It doesn't seem to me to be rebuttal either, but go  
2           along.

3 BY MR. OWEN:

4           Q. In the summer of 1964 do you know where Posey  
5           worked?

6           A. Yes, at a service station.

7           Q. Where?

8           A. Williamsville.

9           Q. Now, did you ever see this car parked at that  
10          service station?

11 BY MR. BUCKLEY:

12          Your Honor if it please the Court, we object to  
13          the car, its not a defendant here and he has testified  
14          that he never knew who was driving, he only knew  
15          who the car belonged to.

16 BY THE COURT:

17          Well, I'll overrule your objection.

18 BY MR. OWEN:

19          Q. Had you ever seen that car there at that service  
20          station?

21          A. I saw one out/<sup>there</sup>that looked like it.

22          Q. Same make? Same color?

23          A. It was.

24

25

1 BY MR. ALFORD:

2 We object to this, Your Honor, this is not redirect  
3 examination.

4 BY MR. HAUBERG:

5 Your Honor, may I say this, I noted on cross examina-  
6 tion by Mr. Weir that he did say Jerry Sharpe  
7 was driving the car, I think its proper redirect  
8 examination.

9 BY MR. ALFORD:

10 I don't think this is proper.

11 BY THE COURT:

12 I'll let him pursue this for a while, go along.

13 BY MR. OWEN:

14 Q. Now can you tell us approximately where you saw  
15 this car, approximately where that service station  
16 is, Posey's station?

17 A. Its at Williamsville, its about a mile southwest.

18 Q. Of what?

19 A. Of Philadelphia.

20 Q. That's all.

21 BY MR. WEIR:

22 Your Honor, there is just one other question.

23 BY THE COURT:

24 I never heard you ask just one question.

25 BY MR. WEIR:



- 1 Q Mr. Poe, you have never given Jerry McGrew Sharpe  
2 a ticket for anything in your whole life have you?
- 3 A I have not.
- 4 Q So you have never caught him driving that vehicle  
5 or any other vehicle?
- 6 A I have not.
- 7 Q And you don't say for a fact that he has ever even  
8 driven that vehicle?
- 9 A I've seen him drive it.
- 10 Q But not speeding?
- 11 A No.
- 12 Q But that was before June the 21, 1964 that you  
13 saw him?
- 14 A Well it might have been since or it might have  
15 been before.
- 16 Q Well he didn't even own it before then did he?
- 17 A I don't know.
- 18 Q And he don't own it now, does he?
- 19 A No, he don't own it.
- 20 Q And you have never given him a speeding ticket?
- 21 A I have not, I've had reports on him.
- 22 Q Well, do you have some grudge against Mr. Sharpe?
- 23 A I do not.
- 24 Q That's just hearsay what you've heard, you haven't  
25 ever caught him speeding have you?

1 A That's right.

2 Q I believe that's all, Your Honor.

3 (Whereupon witness excused)

4 BY THE COURT:

5 Members of the Jury, I will excuse you until 1:30  
6 with the same understanding that we've had each time.

7 (Whereupon Jurors excused from the courtroom.)

8 BY THE COURT:

9 We'll take a recess until 1:30.

10 (Whereupon the Court took a recess at 12:15 P. M.  
11 for lunch)

12 AFTER NOON RECESS:

13 VINCENT V. COYLE, called as a witness for and on  
14 behalf of Plaintiff, was sworn and testified as  
15 follows:

16 DIRECT EXAMINATION

17 BY MR. OWEN:

18 Q Would you state your name please?

19 A Vincent V. Coyle.

20 Q What is your occupation?

21 A Special Agent, Federal Bureau of Investigation.

22 Q How long have you been with the F. B. I?

23 A Five years.

24 Q Were you assigned to conduct certain investigations  
25 in this case?